

(20)

8-15-02

Sc

PHARAOH O. NKOSI  
#11388-045  
USP/POLLOCK  
P.O. BOX 2099  
POLLOCK, LA  
71467-2099

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
HARRISBURG, PA

AUG 14 2002

MARY E. D'ANDREA, CLERK  
Per                     

BRIAN K. GARRIES, a/k/a                   \$  
PHARAOH O. NKOSI  
                    Petitioner,                   \$

VS.   \$       CIVIL NO: 1:CV-01-1119

DONALD ROMINE, Warden,                   \$       JUDGE KANE  
                    Respondent

MOTION TO EXPEDITE THE PROCEEDINGS

COMES NOW PHARAOH O. NKOSI, a/k/a BRIAN K. GARRIES, Who respectfully hereby moves this Court in the interest of justice to expedite the proceedings in the above named and numbered case for the following reasons:

On or about October 18, 2001, petitioner filed his response to the governments brief.

In the governments brief, the government concluded that petitioner's brief (pleadings) contain issues that had not been exhausted with the military Courts, and that the petition should be dismissed without prejudiced.

The petitioner agrees with the government as to issues not exhausted and that petition is a mixed petition, that should be dismissed so that he can exhaust such issues with the military.

The Supreme Court, ruled in Rose V. Lundy, 455 U.S. 509, 71 L.Ed.2d 379, 102 S.Ct.1198 (1982), that a writ that which includes both claims that had and had not been exhausted in state courts should be dismissed.

In the interest of justice petitioner's petition should be dismissed to allow him the opportunity to exhaust all issues before the military courts.

Since the petitioner filed his pleadings (reply or response) to governments brief in October, 2001, this Court has taken no action in the above case, therefore in the interest of justice petitioner moves this court to expedite the proceedings and enter an order consistent with the laws.

Conclusion

WHEREFORE, Petitioner, prays in the interest of justice that this Court grant the above motion and anyother relief this court deems just.

4 AUG 2002 Respectfully Submitted,  
P. O. Mka #11388-045

8-4-02  
C.R.R. 7001 1940 0006 8916 0389

## CERTIFICATE OF SERVICE

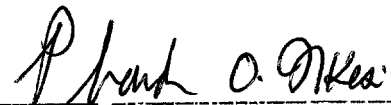
I, PHARAOH O. NKOSI hereby certify that I have served a true and correct copy of the following:

MOTION TO EXPEDITE THE PROCEEDINGS

Which is deemed filed at the time it was delivered to prison authorities for forwarding to the court, Houston v. Lack, 101 L.Ed.2d 245 (1988), upon the court and parties to litigation and or his/her attorney(s) of record, by placing same in a sealed, postage prepaid envelope addressed to:

UNITED STATES ATTORNEY MARTIN C. CARLSON, P O BOX 11754, SUITE  
220 FEDERAL BLDG, HARRISBURG, PENNSYLVANIA, 17108-1754

and deposited same in the United States Postal Mail at the United States Penitentiary, Pollock Louisiana, on this: 4th day of: AUGUST, 2002.



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POLLOCK, LA 71467